

REMARKS

Support for the claims above can be found in Applicants' specification at page 7 line 13 to page 8 line 17, page 10 lines 1-3, page 14 line 16- page 15 line 18 and accompanying Figures, *inter alia*. Because the newly-introduced claims are dependent claims, Applicants believe they do not introduce any new issues of restriction.

Reconsideration of the Restriction Requirement is respectfully requested in view of the amendments and remarks submitted herein.

The Restriction requires election of one of the following species.

- I. Claims 1-12, drawn to an apparatus for allowing specific identification of samples with probes, classified in class 435, subclasses 287.9 or 288.4 or class 436, subclass 524-530.
- II. Claims 13-15, drawn to a second apparatus for allowing specific identification of samples with probes, classified in class 435, subclasses 287.9 or 288.4 or class 436, subclasses 524-530.
- III. Claims 16-19, drawn to a linear one-dimensional arrangement of probes, classified in various classes/subclasses deepening on the probes, for example, class 435, subclasses 6, 7.1 or 91.1 or class 530, subclass 334.
- IV. Claims 20-22, drawn to a probe-carrying tape apparatus, classified in various classes/subclasses depending on the identity of the "tape", for example, class 442, subclass 292 or any of class 535.
- V. Claims 23-26, drawn to a probe-carrying fiber apparatus, classified in various classes/subclasses depending on the identity of the "fiber, for example , class 364, subclass 1.24.
- VI. Claim 27, drawn to an apparatus for depositing a plurality of probes on a substrate, classified in various classes/subclasses, for example class 422, subclass 100.

Applicants respectfully traverse the Restriction and request the Restriction be reviewed and modified for the following reasons.

As an initial matter, Applicants note that both Groups I and II have been classified by the Examiner as belonging to identical classes and subclasses. Applicants thus respectfully point out that there is no serious burden present in examining Groups I and II because the search of Group I would be identical to the search of Group II and vice versa.

Further, Applicants submit that it is not a serious burden to examine the claims of Groups III, IV, and V at the same time as the claims of Groups I and II are examined, since the claims of Groups III, IV, and V are drawn to one-dimensional arrays of probes, as are the claims of Groups I and II.

In the event that the Restriction Requirement is modified such that at least Groups I and II are grouped together, Applicant elects the group containing the claims of Group I. In the event that the Restriction Requirement is maintained despite the discussion above, Applicants hereby elect Group I, with traverse for the reasons presented above.

Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits.

CONCLUSION

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this

document to Deposit Account No. 03-1952 referencing docket no. 473532000100. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By: 

Charles D. Holland
Registration No. 35,196

Morrison & Foerster ^{LLP}
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5832
Facsimile: (650) 494-0792